



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wen-Tien CHEN

Examiner: Huff, Sheela J.

Serial No.: 09/541,785

Group Art Unit: 1643

Filed: April 3, 2000

Docket: 178-295

For: COMPOSITIONS AND METHODS
FOR INHIBITION OF CANCER
INVASION AND ANGIOGENESIS

Dated: October 8, 2002

Assistant Commissioner for Patents
Washington, DC 20231

DECLARATION UNDER 37 CFR 1.132

Sir;

I, Wen-Tien Chen, Ph.D., the sole inventor of the above-captioned U.S. patent application Serial No. 09/541,785, declare as follows:

1. The Rat Hybridomas E19 and E26, which produce the monoclonal antibody E19 and monoclonal antibody E26, respectively, were deposited in compliance with the Budapest Treaty requirements on May 15, 2001 with American Type Culture Collection, 10801 University Blvd., Manassas, VA 20110. The American Type Culture Collection affords permanence of the deposits and is ready accessible thereto by the public if a patent is granted.

2. The deposited Rat Hybridoma E19 was assigned patent deposit accession number PTA-3378. The deposited Rat Hybridoma E26 was assigned patent deposit accession number PTA-3377.
3. The deposited Rat Hybridomas E19 and E26 are the same hybridomas referred to by these names in U.S. patent application Serial No. 09/541,785 filed on April 3, 2000 and also in the related prior U.S. provisional application Serial No. 60/193,987 filed on April 1, 2000.
4. The deposited Rat Hybridomas E19 and E26 were in Applicant's possession prior to filing of each of the U.S. patent application Serial No. 09/541,785 and U.S. provisional application Serial No. 60/193,987.
5. All restrictions on the availability to the public of the deposited Rat Hybridomas E19 and E26 will be irrevocably removed upon the granting of a patent.
6. The Rat Hybridomas E19 and E26 have been deposited under conditions that ensure that access to the deposited Rat Hybridomas E19 and E26 will be available during the pendency of U.S. patent application Serial No. 09/541,785 to one determined by the Commissioner of the United States

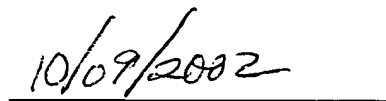
Patent and Trademark Office to be entitled thereto under 35 C.F.R. §1.14 and 35 U.S.C. §122.

7. The deposited Rat Hybridomas E19 and E26 will be stored with all care necessary to keep it viable and uncontaminated for a period of at least five years after the most recent request for the furnishing of a sample of Rat Hybridomas E19 and E26, and in any case at least thirty (30) years after the date of deposit of Rat Hybridomas E19 and E26, or for the enforceable life of the patent, whichever is longer.
8. Acknowledge the duty to replace the deposited Rat Hybridomas E19 and E26 should the American Type Tissue Collection be unable to furnish a sample of Rat Hybridomas E19 and E26 when requested due to the condition of the deposited Rat Hybridomas E19 and E26.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Wen-Tien Chen, Ph.D.



Date